

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

24-CR-65-LJV-MJR
DECISION & ORDER

XAVIER BARBER,

Defendant.

1. On July 9, 2024, the defendant, Xavier Barber, pleaded guilty to Count 1 of the information charging a violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C) (possession with intent to distribute fentanyl and cocaine). Docket Item 22.

2. On July 9, 2024, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 24.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (Docket Item 24), the plea agreement (Docket Item 22), the information (Docket Item 21), a transcript of the plea proceeding (Docket Item 27), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge Roemer's recommendation that the

defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 1 of the information.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's July 9, 2024 Report & Recommendation, Docket Item 24, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Xavier Barber is now adjudged guilty under Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

SO ORDERED.

Dated: October 24, 2024
Buffalo, New York


LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE